



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0233-2022; BZNA-0234-2022; and BZNA-0235-2022

PROPERTY ADDRESS: 1399 Division Street, Noblesville, IN 46060

Variance of Development Standards applications were submitted to the Noblesville Department of Planning and Development for the above referenced location. The applications, submitted by Habitat for Humanity of Greater Indianapolis Inc., sought approval for Variance from Unified Development Ordinance (UDO) § 8.B.5.E. and Table 8.B. (Summary of Residential Bulk Standards) to reduce the required minimum lot area, from 4,000 square feet to 3,630 square feet for four lots; one (1) Variance of Development Standards from UDO § 8.B.5.E. and Table 8.B to reduce the required minimum lot width, from 60 feet to 27.5 feet for four lots; and one (1) Variance of Development Standards from UDO § 8.B.5.E. and Table 8.B to reduce the required minimum front yard setback to 5.5 feet (along 14th Street); in the R4 (Moderate to High Density One and Two-Family Residential District) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on January 3, 2023. After testimony was given and evidence was presented to the Board, a motion to APPROVE the Variances, with conditions, was made, and the motion carried 4-0.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

Indiana Code §36-7-4-918.5 states that a Variance of Development Standards may be approved only upon a determination in writing that the following three standards are met. In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following standards and made the following findings in granting the request for Variances of Development Standards. The Board sets out its findings in the bold text below each standard.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:
These variances will NOT be injurious to the public health, safety, morals, and general welfare of the community. The requested Lot Area and Lot Width variances will have a minimal visual effect, while maintaining the urban pattern established along the street. The reduced setback

along 14th Street also replicates the established design of other corner properties within the neighborhood.

2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner:

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variances. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of the variances requested will not have a substantially adverse effect on the use and value of adjacent properties.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variances are sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property. While the zoning district permits two-family dwellings, it does not provide specific regulations for duplexes on two separate lots. The strict application of the UDO requirements would result in functional constrains, while the Comprehensive Plan endorses the proposed land use and architectural characteristic.

The Findings of Fact contained herein are adopted by the Noblesville Board of Zoning Appeals on February 6, 2022.

Mike Field, Chairman

Caleb Gutshall, Secretary